

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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RAYMOND F. GILLEN,

Plaintiff,

v.

LINDA CASTILLO, et al.,

Defendants.

Case No. 3:13-cv-00599-MMD-VPC

ORDER

This action was filed by a state prisoner, proceeding *pro se*. The sole document filed by plaintiff in this action is a motion “for a writ of prohibition” against state officials. (Dkt. no. 1-1.) The Clerk of Court opened the action as a civil rights complaint filed pursuant to 42 U.S.C. § 1983.

The federal mandamus statute provides that “district courts shall have original jurisdiction of any action in the nature of mandamus to compel an *officer or employee of the United States or any agency thereof* to perform a duty owed to the plaintiff.” 28 U.S.C. § 1361 (emphasis added). This Court has no jurisdiction to direct a state official or a state agency under the federal mandamus statute for a violation of state law. See *Silveyra v. Moschorak*, 989 F.2d 1012, 1014; see also *Carriger v. Stewart*, 95 F.3d 755, 762 (9th Cir. 1996) (overruled on other grounds, 132 F.3d 463 (9th Cir.1997)); *Franzen v. Brinkman*, 877 F.2d 26 (9th Cir. 1989) (per curiam) (collecting cases), *cert. denied*, 493 U.S. 1012 (1989)). Therefore, this action shall be dismissed and all pending motions are denied.


1 It is therefore ordered that this action is dismissed with prejudice.

2 It is further ordered that all pending motions are denied.

3 It is further ordered that the Clerk of Court shall enter judgment accordingly.

4 It is further ordered that this Court certifies that any *in forma pauperis* appeal  
5 from this order would not be taken "in good faith" pursuant to 28 U.S.C. § 1915(a)(3).

6 DATED THIS 31<sup>st</sup> day of October 2013.

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9 MIRANDA M. DU  
10 UNITED STATES DISTRICT JUDGE  
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